

Improvement

Res. No. 1111

For the purpose of the following
the 12 foot wide alley between
the 12 foot wide alley and the
12 foot wide alley and the
12 foot wide alley and the
12 foot wide alley.

Resolution Adopted:

April 3, 1951

Confirmed:

April 16, 1951

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

May 31, 1951

4/8/51
opening

For the ~~Vacation - Opening - Condemnation of right of way for utility purposes~~ of a twelve (12) foot wide alley between VACATED ROSEMONT DRIVE and STATE BOULEVARD from NORTH HIGHLANDS BOULEVARD to TYLER AVENUE.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to open a twelve (12) foot wide alley between VACATED ROSEMONT DRIVE and STATE BOULEVARD from the west property line of NORTH HIGHLANDS BOULEVARD to the east property line of TYLER AVENUE, across the south six (6) feet of Lots 1 to 10, State Boulevard Addition, and the north six (6) feet of Lots 214 to 221, on Original Plat of North Highlands Addition, Section N - Block 13.

All as shown by a plan of such proposed Opening - ~~Vacation - Condemnation of right of way for utility purposes~~ as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana - The opening of said alley as above described is to be made by condemning and appropriating for alley purposes the south six (6) feet of Lots 1 to 10, State Boulevard Addition, and the north six (6) feet of Lots 214 to 221, in Original Plat of North Highlands Addition, Section N - Block 13.

The cost of said ~~Vacation - Opening - Condemnation of right of way for utility purposes~~ shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such ~~Vacation - Opening - Condemnation of right of way for utility purposes~~ is described as follows: Lots 1 to 10, both inclusive in State Boulevard Addition, and Lots 214 to 221, both inclusive in Original Plat of North Highlands Addition, Section N - Block 13. Both Additions to the City of Fort Wayne, Indiana.

~~All lots and lands~~

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5)% per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplemental thereof.

~~The vacation of the above described Street and alleys shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.~~

All Streets, lots and lands affected by the above described opening lie in Section 34, Township 31 north, Range 12 east, and wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS 3rd DAY OF April 19 51.

Attest: *Joseph M. Schwanitz*
Secretary Board of Public Works.

W. H. Randall
Frank A. Brock
Chauncey L. Griffith
Board of Public Works.

N

STATE

BLVD.

TYLER AVE.

131.3	1	2	3	4	5	6	7	8	9	10	131.4
STATE			BLVD.			ADDITION					

OPEN

131.8	221	220	219	218	217	216	215	214	131.30
131.79			131.72	131.65	131.58	131.51	131.44	131.37	
NORTH			HIGHLANDS ADD			SEC. "N"			
			VACATED			BLOCK 13			

(VACATED) ROSEMONT DRIVE

N. HIGHLANDS BLVD.

City Of Fort Wayne
Indiana



OFFICE OF
BOARD OF PUBLIC WORKS

March 1, 1951

FORT WAYNE, INDIANA

Mr. C. Ross Lindemuth
City Engineer
City of Fort Wayne, Indiana

Dear Sir:

You are hereby instructed to prepare plans for the opening of a twelve (12) foot alley between vacated Rosemont Drive and State Boulevard from North Highlands Boulevard to Tyler Avenue, the said space being more particularly described as the South six (6) feet of Lots numbered 1 to 10, inclusive of State Boulevard Addition and the North six (6) feet of Lots numbered 214 to 221, inclusive as originally platted in North Highlands Addition, Section "N", Block 13 in the City of Fort Wayne.

Yours truly,

[Handwritten signature]

BOARD OF PUBLIC WORKS

ATTEST:

[Handwritten signature]
Secretary

JMS :hs

The opening of a 12 foot alley between vacated Rosemont Drive and State Blvd., from North Highlands Blvd., to Tyler Avenue, the said space being more particularly described as the South 6 feet of Lots Nos. 1 to 10, Inclusive of State Boulevard Addition and the North 6 feet of Lots Nos. 214 to 221, inclusive as originally platted in North Highlands Addition, Section "N", Block 13 in the city of Fort Wayne.

P E T I T I O N

Fort Wayne, Ind., March 1, 1951

ks of the City of Fort Wayne:

Gentlemen:

The undersigned, owners of real

, from

to

passage of a resolution providing for the

the alley 12 foot wide between vacated Rosemont
State Boulevard from North Highlands Boulevard
venue.

NAME:

ADDRESS:

PETITIONER

George P. and Mildred M. Shaffer	1829 W. State
Ed. Robitaille	1833 W. State
R. G. Mulvihill Sr.	1837 W. State
L. D. Kable	1841 W. State
Virgil C. and Norma A. Mc Mahan	1821 W. State
James E. Heffrick	1817 W. State
Jack Smith	1825 W. State

Councilman: C. H. Boyer
630 Huffman Street

SIGNATURE:

Chas H Boyer

Received
May 29. 1951
1.50 PM
D.S.
Fort Wayne, Indiana,
May 28, 1951.

REMONSTRANCE

TO: The Board of Public Works of the City of Fort Wayne, Indiana:

The undersigned being the owner of the following described real estate, to-wit:

The space west of North Highlands Boulevard and east of Tyler Avenue, South of the south lines of Lots 1 to 10 inclusive, State Boulevard Addition to the City of Fort Wayne, and north of the North lines of Lots 203, 204, 205, 206, 207, 208, and 209 in North Highlands Addition, Block 12, Section I, and also known as vacated lots 214 to 229 inclusive, Block 13, Section N, in North Highlands Addition to the City of Fort Wayne, and the vacated part of Rosemont Avenue from North Highlands Boulevard to Tyler Street, situate in the City of Fort Wayne, Allen County, Indiana,

hereby remonstrates with regard to the award of assessments made by the Department of Public Works of the City of Fort Wayne, in the proceedings entitled "The opening of a 12 ft. wide alley between vacated Rosemont Drive and State Boulevard" from North Highlands Boulevard to Tyler Avenue, under declaratory resolution #838-1951 adopted by the Board of Public Works of said City on the 3rd day of April, 1951, and for grounds of remonstrance says:

1. That the amount of award of damages to the undersigned is too low.
2. That the improvement is not required by the public needs.
3. That the cost of the improvement will exceed the benefits of the real estate to be assessed.
4. That the Department of Public Works of the City of Fort Wayne has no legal authority to order said opening.
5. That another proceeding is still pending in the Department of Public Works for the opening of the same alley being under Declaratory Resolution #819-1950, adopted by the Board of Public Works of the City of Fort Wayne on the 22nd day of June, 1950, wherein this remonstrator has appealed from the assessment of award under said resolution to the Allen Superior Court #2, which appeal is now pending in the Allen Superior Court #2, being Cause #14133 of the Civil Actions pending in said court.

Bernard J. Frankenstein

J. Frankenstein



Petition for Passage

of a Resolution for

the opening of a 12 foot alley
between vacated Rosemont Drive
and State Boulevard from North
Highlands Boulevard to Tyler
Avenue, the said space being
more particularly described
as south 6 feet of Lots No.
1 to 10, inclusive of State
Blvd. Addition and the north
6' of Lots No. 214 and 221, incl.
as originally platted in North
from Highlands Addition, Section
"N", Block 13, in the City of
Fort Wayne.
to

Filed with the Board of Public Works

Plans Ordered: March 1, 1951

